

**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No. 200100946-1

Issuance Date: May 2, 2007

Stream: Buckeye Lake

Closing Date: June 1, 2007

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (reference above)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Martin Finta
Triglyph Development Company Inc.
309 South Fourth Street, 5th Floor
Columbus, Ohio 43215

LOCATION: The project is located in unnamed tributaries of Buckeye Lake and wetlands adjacent to Buckeye Lake along the south shore of the lake in Thornville, Perry County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material into waters of the United States in conjunction with the construction of the 113-acre Snug Harbor single and multi-family residential development along Buckeye Lake. According to the applicant, the purpose of the work is to construct a planned community that includes a 30-acre inland harbor that would be directly connected to Buckeye Lake, multi and single-family homes, and other public and private attendant features, including but not limited to roads, utilities, public and private boat docks, recreational facilities, and commercial facilities.

The proposal would include the placement of clean, non-erodible fill material into a total of 5.47 acres of two jurisdictional wetlands and 102' of one intermittent stream channel in conjunction with construction activities at the site. Approximately 4.90 acres of Wetland 5 and 0.57 acres of Wetland 6 would be filled in conjunction with the construction of a permanent roadway, utility placement, and fill and grading activities associated with construction of the home lots. Approximately 564,000 cubic yards of material would and has been excavated at the site to create the inland harbor. All excavation activities are located in upland areas of the site and the excavated material is currently and would be disposed of and stored in upland areas of the site. Upon completion of the excavation of the inland harbor the applicant proposes to install rock channel protection along the banks of the harbor. Upon the completion of all construction work associated with the harbor, it would connected with Buckeye lake via the excavation of an inlet channel through a section of Wetland 5.

The applicant proposes to avoid impacts to approximately 13.22 acres of six jurisdictional wetlands and 3,053' of two intermittent stream channels at the site. These areas would be preserved in perpetuity via conservation easement or environmental covenant and would be set aside as green-space habitat. A minimum 25' buffer would be established around the preserved wetlands and along each stream bank. The development plan has been designed to avoid impacts to 71% of the wetlands and 97% of the stream channel at the site.

The proposed development would include 205 waterfront housing units. Each housing unit would contain one private wooden recreational dock, which would be installed for each private property owner upon sale of the lot. The proposed development would also include public docks, which would be installed over the next 10 years. Currently, the applicant proposes to install 25 docks at a time, as required, up to a maximum of 96 docks. The majority of the docks would be installed after

the harbor is connected to Buckeye Lake, however, the installation of recreational floating docks within Section 404 waters currently do not require authorization from this office. The proper recreational dock permits would be obtained from the Ohio Department of Natural Resources

The applicant proposes to construct “wetland” detention basins at the site for on-site storm-water management. The locations of these basins have not yet been determined. No wetland mitigation credits would sought for the vegetated basins; however, they would be required to meet National Pollutant Discharge Elimination Standard (NPDES) Phase II requirements.

COMPENSATORY MITIGATION: To compensate for the loss of 5.47 acres of shrub-scrub and forested Category 2 wetland, the applicant proposes the creation of 8.46 acres of emergent/scrub-shrub wetland adjacent to Custers Point Road along the western boundary of the site. Approximately three years ago, the field tiles located at this site were destroyed and a partial earthen embankment was constructed to create a wetland mitigation area to provide mitigation for anticipated impacts associated with development of the site. A jurisdictional wetland totaling 0.58 acre has developed at this site. However, these efforts were not completed due to delays in finalizing the development plan.

The applicant has indicated their intent to re-initiate construction of the mitigation wetlands at this location. The applicant also proposes to enhance Wetland 2, Wetland 3, and Wetland 4 via plantings. The wetlands would be preserved in perpetuity via a conservation easement or environmental covenant at the site. The relocated and enhanced stream channels as well as the mitigation wetland would be monitored for a minimum of five years. The applicant has only provided conceptual plans for the compensatory mitigation proposal. A final plan would be reviewed and approved by this office in coordination with the state and Federal resource agencies prior to the issuance of any permit for this proposal.

Plans of the proposed work are attached to this notice.

SECTION 404(B)(1) ALTERNATIVES ANALYSIS: A total of 5.47 acres of jurisdictional wetland would be filled as a result of the proposal. The project does not require access to or siting within the wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis and it is currently being reviewed.

A Section 401 Water Quality Certification is required for this project. It is the applicant’s responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties within the project area listed on the register. However, the applicant has conducted two Phase I Cultural Resource Management Surveys

for the project and has determined two sites, 33PE744 and 33 PE750, which are located partially within the site boundaries, may be eligible for the Register. The surveys were provided to the Ohio State Historic Preservation Office (OSHPO) on October 2, 2006. In a letter dated November 2, 2006, OSHPO indicated Phase II testing should be conducted for both sites. It should be noted the applicant has designed the development to avoid any impacts to the sites. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED AND THREATENED SPECIES: The project is located within the known or historic range of the following endangered species: Indiana bat (E). The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of these species as habitat conducive for this species. The proposed project does not involve the removal of large forested areas as the majority of the on-site forested wetlands would be preserved. The applicant has indicated any trees that must be cut would be removed between September 15 and April 15. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7 (c) of the Endangered Species Act of 1972 (as amended).


PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Kimberly Courts-Brown, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Kimberly Courts-Brown of the North Regulatory Section at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

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Impact/Avoidance Summary Table
Proposed Alternative (Exhibit - 1)
Snug Harbor Residential Development
Buckeye Lake Region, Thorn Township, Perry County, Ohio

Wetlands

Wetland Designation	Isolated or Jurisdictional	ORAM Score	Provisional ORAM Category	Total Acreage On-Site	Total Acreage Impacted	Percent Avoided	Cowardin Classification
Wetland 1	Jurisdictional	25	1	0.52	0.00	100%	PEM
Wetland 2	Jurisdictional	31	2*	0.07	0.00	100%	PFO
Wetland 3	Jurisdictional	24	1	0.36	0.00	100%	PSS
Wetland 4	Jurisdictional	23	1	0.56	0.00	100%	PFO
Wetland 5	Jurisdictional	28	1	11.65	4.90	58%	PEM/PFO**
Wetland 6	Jurisdictional	30	2*	5.53	0.57	90%	PEM
Total				18.69	5.47	71%	

Notes: * The ORAM Score for these wetlands fell within the "Gray Zone" between two categories. Per ORAM methodology, the wetland was assigned to the higher category.

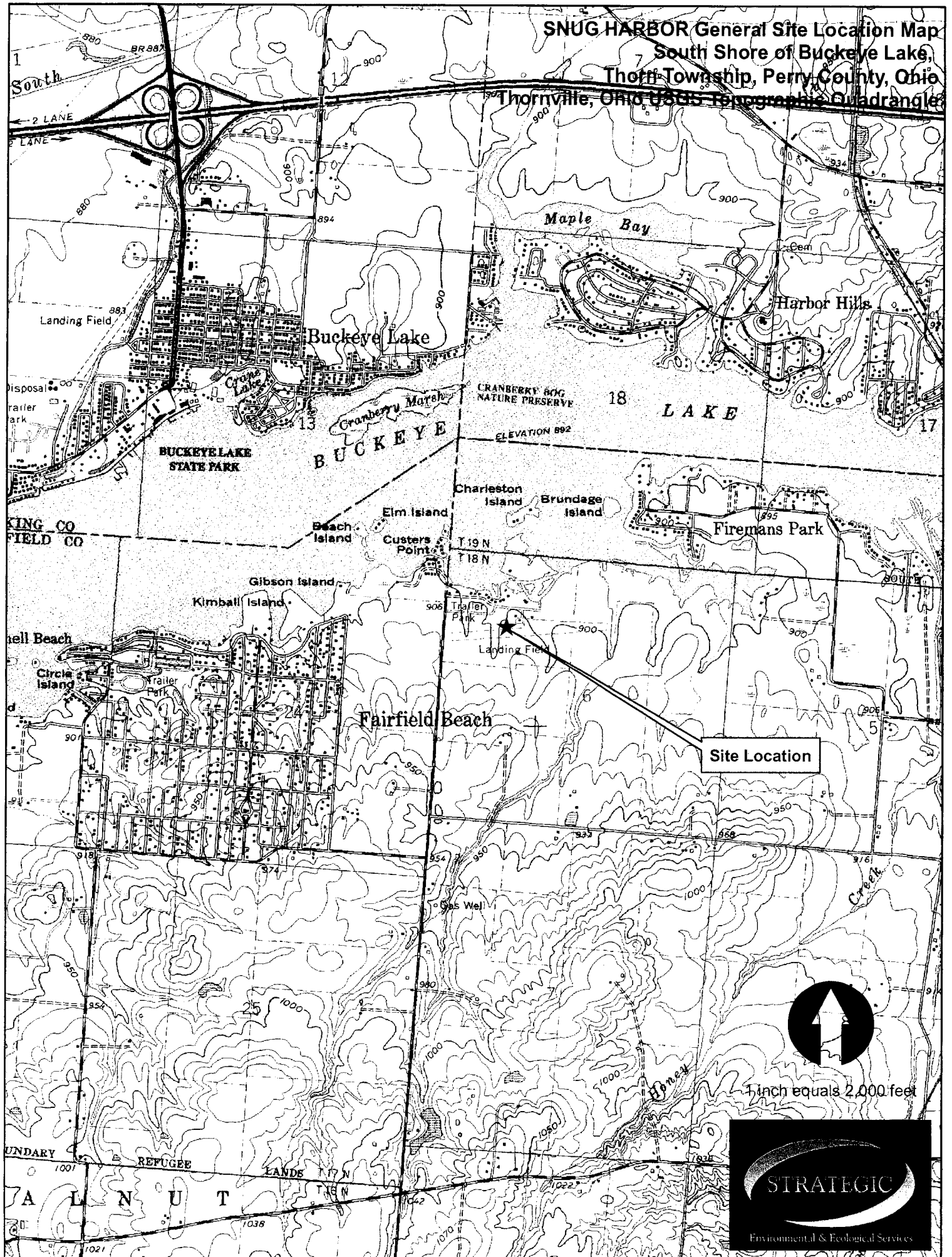
**Proposed impacts to Wetland 5 will occur within the emergent portions of the wetland only. Forested portions will be avoided.

ORAM Version 5.0 for Wetlands 1-6 prepared by Strategic Environmental and Ecological Services, Inc., 2006

Streams

Stream Designation	Flow Regime	QHEI/HHEI Score	Provisional Use Designation	Linear Reach Within Site (ft)	Total Linear Feet Impacted	Total Acreage Impacted	Percent Avoided
Tributary A	INT	23 (QHEI)	LRW	1,547	0	0.00	100%
Tributary B	INT	18 (HHEI)	Class 1 PHWH	1,568	102	0.01	93%
Total				3,115	102	0.01	97%

Thornville, Ohio USGS Topographic Quadrangle



- STREAM IMPACT
- WETLAND IMPACT
- CONSTRUCTED WETLAND
- EXISTING WETLAND
- EXISTING LAKE OR STREAM
- MITIGATION AREA

EX WETLAND	IMPACT AREA
W1.1	0.00 AC
W1.2	0.00 AC
W1.3	0.00 AC
W1.4	0.00 AC
W1.5	4.90 AC
W1.6	0.57 AC
TOTAL	5.47 AC

EX STREAM	IMPACT LENGTH
STR A	0 FT
STR B	102 FT
TOTAL	102 FT

PROPOSED MITIGATION AREA 8.46 ACRES
CONSTRUCTED WETLAND 0.58 ACRES

All remaining Wetlands and Streams will be protected with a minimum 25-foot buffer.

